

STATE OF MAINE
BOARD OF FUNERAL SERVICE

Minutes of May 10, 2016 Board Meeting

Members Present: Glenn Henderson, Chair; Brian Mays, Bethel Shields, Chad Poitras, John Brennan, and James Fernald.

Others Present: Torrey Gray, Board Administrator; Katie Johnson, AAG; and Angela Gordon, Board Clerk.

Members Absent: Robert Barnes

CALL TO ORDER

Glenn Henderson, Chair, called the meeting to order at 9:03 a.m.

OLD BUSINESS

APPROVAL OF MINUTES

In a motion by Chad Poitras, and seconded by James Fernald, the minutes from the January 12, 2016 meeting were approved as written.

Vote: 6 in favor

NEW BUSINESS

CORRESPONDENCE

Stephen Schwartz, Esq.

The Board reviewed and discussed the correspondence submitted by Mr. Schwartz concerning a request for a waiver from the Board's licensing requirements. Torrey Gray, Board Administrator will respond.

APPLICATION REVIEW(S)

Jennipher M. Chervenak –

On November 16, 2015, Ms. Chervenak filed an application for licensure as a Funeral Attendant.

On the application for licensure, Ms. Chervenak answered "No" to the question "Have you ever been convicted by any court of any crime?" The Board's subsequent State of Maine criminal background check with the State Bureau of Identification revealed that Ms. Chervenak was convicted of Assault (Class D) on February 9, 2004 in the State of Maine.

After review and discussion, a motion was made by Brian Mays to preliminarily deny the application for violation of 10 M.R.S. §8003(5-A)(A)(1) and 10 M.R.S. §8003(5-A)(A)(6) and to offer a consent

agreement to include an admission with a warning and a fine in the amount of \$250.00. The license will be issued upon receipt of the signed consent agreement and payment of the fine. The motion was seconded by Bethel Shields.

Vote: 6 in favor

Roger Theriault

After review and discussion, a motion was made by Chad Poitras to table the application and request additional documentation. The motion was seconded by James Fernald.

Vote: 6 in favor

COMPLAINT PRESENTATION(S)

2016-FUN-11965

A complaint was filed against a licensed practitioner alleging unprofessional conduct.

After review and discussion, a motion was made by Chad Poitras and seconded by Bethel Shields to offer a consent agreement to include an admission and a censure for violation of Chapter 15, Sections 5 and 7 and of the Board's Rules.

Vote: 5 in favor (1 recused – Brian Mays)

2016-FUN-12103

A complaint was filed against a licensed practitioner alleging unprofessional conduct

After review and discussion, a motion was made by Chad Poitras to dismiss the complaint with a letter of guidance. The motion was seconded by seconded by John Brennan

Vote: 5 in favor (1 recused – Brian Mays)

2016-FUN-12105

A complaint was filed against a licensed practitioner alleging unprofessional conduct

After review and discussion, a motion was made by Chad Poitras and seconded by Bethel Shields to dismiss the complaint.

Vote: 4 in favor (2 recused – Brian Mays and James Fernald)

Blood Borne Pathogen Training

After review and discussion, the board determined that OSHA rules govern bloodborne pathogen training. Therefore, the board does not have jurisdiction to approve the training. Providers of the training are encouraged to seek approval from OSHA.

Delegation of Authority to Board Staff For Convictions Not Disclosed

After a full review and discussion, a motion was made by James Fernald and seconded by Brian Mays to delegate authority to Board staff and the Assistant Attorney General to negotiate and offer a consent agreement in cases where an individual fails to disclose a criminal conviction or discipline.

Vote: 6 in favor

OTHER BUSINESS

Chair's Report

Nothing to report.

Administrator's Report

Torrey Gray distributed a summary of licenses, there are 686 current licensees.

ADJOURN

There being no further business, in a motion by Chad Poitras seconded by James Fernald, the Board voted unanimously to adjourn at 10:00 a.m.

The next Board meeting is scheduled for July 12, 2016.